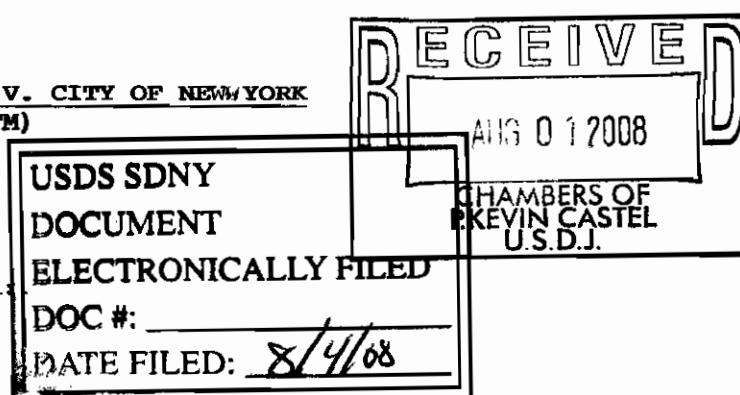


MEMO ENDORSED

JULY 28, 2008

RE: BENJAMIN W. MITCHELL JR. V. CITY OF NEW YORK
 07 CIV. 8268 (PKC) (FM)



Dear Honorable Justice Castel:

Your Honor, I am the plaintiff in the case numbered above. This letter is in response to one I have received from Heidell, Pittoni, Murphy & Bach, LLP. Which is a Motion to dismiss my complaint. At this time I would like to ask for permission to Amend my complaint and to ask the above law firm for additional time to answer there motion to dismiss, that I received on July 18, 2008.

Your Honor, I sent a request form to you and to counsel, asking for a Pro Bono attorney. I hope that you grant this request because as you can clearly see from my complaint I don't have the nessassary skills to represent myself. Throughout the many years of additional training/education that I have excelled in, Law/litigation clearly is not one of them. Although I am currently enrolled in the legal research class offered here at this correctional facility, I still am just a laymen.

As counselor, has indicated I was convicted, but what he don't know is that I never made a statement, spoke or went to the grand jury and did not testify at trial. My medical condition was terminal! Malignant gastric cancer is what I was told that I had in September of 2005. In December of 2005 I was giving less than one year to live. In addition to that my mother passed away while I was on Rikers Island and my home was looted. Everything I ever owned furniture, jewelry, clothing, money, appliances, all gone. The jury said that I was guilty! The medical doctors said that I had cancer, too! Bellevue hospital surgeons found not a trace of cancer. This lawsuit is not frivolous! I would appreciate the oppurtunitie to prove this.

By allowing me to amend my complaint and to add additional information will show how the city of new york and there employee violated my constitutional rights: cruel and unusual punishment, inadequate medical care and discrimination. Everyone human being has rights it does not matter if you are incarcerated, crazy, black, white, yellow or green.

THANK YOU

BENJAMIN W. MITCHELL JR

DIN: 07A5226 12-C2-32T

B. Mitchell

I have to amend denied Plaintiff
~~should not fail the specific assertions~~
of my motion to dismiss.
I have to respond to motion is
to the motion to dismiss.
True to respond to motion is
adjourned to September 3, 2008.
due September 17, 2008.
Reply's of any, due September 3, 2008.
SO ORDERED
B. Mitchell VSD
8-3-08